

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CR-365-3BR

| | | |
|-----------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | GOVERNMENT'S MOTION FOR |
| |) | DOWNWARD DEPARTURE BASED ON |
| ERICKSON DOMINGUEZ-GONZALEZ |) | SUBSTANTIAL ASSISTANCE |

The United States hereby moves pursuant to 18 U.S.C. § 3553(e) and U.S.S.G. §5K1.1 to depart below the statutory minimum sentence and the advisory guideline sentencing range based on Defendant's substantial assistance to law enforcement authorities. In support of this motion, the government states as follows:

1. On March 9, 2009, Defendant pled guilty to conspiracy to possess with intent to distribute more than 5 kilograms of cocaine and using and carrying firearms during and in relation to a drug trafficking crime as charged in Counts One and Three of the Indictment.

2. Defendant was debriefed on three occasions pursuant to his plea agreement and provided truthful information concerning other robberies in North Carolina and Georgia. Defendant provided specific details about the robberies, including the identities of the participants. Defendant was also removed from the Marshal's custody pursuant to the Court's authorization and identified a location in Roseboro, North Carolina, where a Hispanic drug dealer was robbed and tortured. This information has significantly

furthered the government's ongoing investigation of these robberies.

3. Because Defendant has rendered substantial assistance to the government, the Court should depart below the statutory minimum sentence and the advisory guideline range.¹

Respectfully submitted this 9th day of July, 2009.

GEORGE E.B. HOLDING
United States Attorney

/s/ Eric D. Gouliau
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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2009, I caused a copy of the foregoing to be served on Defendant's attorney of record, Robert Cooper, by electronic case filing.

/s/ Eric D. Gouliau
Eric D. Gouliau
Assistant United States Attorney

¹ The extent of a § 3553(e) departure must be based "solely on the defendant's substantial assistance and other factors related to that assistance." United States v. Hood, 556 F.3d 226, 234 n.2 (4th Cir. 2009).